

PRESENT: HONORABLE MARK H. FANDRICH
Cayuga County Court Judge

STATE OF NEW YORK: COUNTY OF CAYUGA
CAYUGA COUNTY COURT

PEOPLE OF THE STATE OF NEW YORK,

VS

DONNESIA BROWN,

DEFENDANT

ORDER

INDICTMENT NO.: 2016-095

The Defendant, DONNESIA BROWN, by and through his attorney, ROME CANZANO, having moved this Court for an Order pursuant to Criminal Procedure Law Section 440.10 to vacate the judgment of conviction entered on October 11, 2016; to dismiss the indictment in furtherance of justice as provided in CPL 210.40/210.20(1)(i) with prejudice and without leave to re-present the same; and an Order directing that the defendant be discharged from custody, and the matter having come before this Court in the normal course, with attorney Rome Canzano appearing for the defendant and District Attorney Jon Budelmann appearing for the People, and arguments having been made, it is hereby:

ORDERED, that the defendant's motion pursuant to Criminal Procedure Law Section 440.10, to vacate the judgment of conviction entered against him on October 11, 2016 is hereby GRANTED; and it is hereby


ORDERED, that the defendant's motion to dismiss the indictment in the furtherance of justice as provided in CPL 210.40/210.20(1)(i) with prejudice and without leave to re-present is hereby GRANTED; and it is hereby

ORDERED, that the New York State Department of Corrections and Community Service is hereby directed to discharge the defendant from custody forthwith.

ENTER.

Dated: January 17, 2017

Auburn, New York



HON. MARK H. FANDRICH
Cayuga County Court Judge, *Acting*